



1 to the Illinois Department of State Police in accordance with  
2 the provisions of this Section, provided such person is:

3 (1) convicted of a qualifying offense or attempt of  
4 a qualifying offense on or after July 1, 1990 the  
5 ~~effective--date--of--this--amendatory--Act--of--1989~~, and  
6 sentenced to a term of imprisonment, periodic  
7 imprisonment, fine, probation, conditional discharge or  
8 any other form of sentence, or given a disposition of  
9 court supervision for the offense; ~~or~~

10 (1.5) found guilty or given supervision under the  
11 Juvenile Court Act of 1987 for a qualifying offense or  
12 attempt of a qualifying offense on or after January 1,  
13 1997; ~~the--effective--date--of--this--amendatory--Act--of--1996~~,  
14 ~~or~~

15 (2) ordered institutionalized as a sexually  
16 dangerous person on or after July 1, 1990; ~~the--effective~~  
17 ~~date--of--this--amendatory--Act--of--1989~~; ~~or~~

18 (3) convicted of a qualifying offense or attempt of  
19 a qualifying offense before July 1, 1990 ~~the--effective~~  
20 ~~date--of--this--amendatory--Act--of--1989~~ and is presently  
21 confined as a result of such conviction in any State  
22 correctional facility or county jail or is presently  
23 serving a sentence of probation, conditional discharge or  
24 periodic imprisonment as a result of such conviction; ~~or~~

25 (3.5) convicted or found guilty of any offense  
26 classified as a felony under Illinois law or found guilty  
27 or given supervision for such an offense under the  
28 Juvenile Court Act of 1987 on or after August 22, 2002; ~~the--effective--date--of--this--amendatory--Act--of--the--92nd~~  
29 ~~General--Assembly~~; ~~or~~

31 (4) presently institutionalized as a sexually  
32 dangerous person or presently institutionalized as a  
33 person found guilty but mentally ill of a sexual offense  
34 or attempt to commit a sexual offense; ~~or~~

1           (4.5) ordered committed as a sexually violent  
2 person on or after the effective date of the Sexually  
3 Violent Persons Commitment Act; or

4           (5) seeking transfer to or residency in Illinois  
5 under Sections 3-3-11.05 through 3-3-11.5 of the Unified  
6 Code of Corrections and the Interstate Compact for Adult  
7 Offender Supervision or the Interstate Agreements on  
8 Sexually Dangerous Persons Act.

9           Notwithstanding other provisions of this Section, any  
10 person incarcerated in a facility of the Illinois Department  
11 of Corrections on or after August 22, 2002 ~~the effective date~~  
12 ~~of this amendatory Act of the 92nd General Assembly~~ shall be  
13 required to submit a specimen of blood, saliva, or tissue  
14 prior to his or her final discharge or release on parole or  
15 mandatory supervised release, as a condition of his or her  
16 parole or mandatory supervised release.

17           (a-5) Any person who was otherwise convicted of or  
18 received a disposition of court supervision for any other  
19 offense under the Criminal Code of 1961 or who was found  
20 guilty or given supervision for such a violation under the  
21 Juvenile Court Act of 1987, may, regardless of the sentence  
22 imposed, be required by an order of the court to submit  
23 specimens of blood, saliva, or tissue to the Illinois  
24 Department of State Police in accordance with the provisions  
25 of this Section.

26           (b) Any person required by paragraphs (a)(1), (a)(1.5),  
27 (a)(2), (a)(3.5), and (a-5) to provide specimens of blood,  
28 saliva, or tissue shall provide specimens of blood, saliva,  
29 or tissue within 45 days after sentencing or disposition at a  
30 collection site designated by the Illinois Department of  
31 State Police.

32           (c) Any person required by paragraphs (a)(3), (a)(4),  
33 and (a)(4.5) to provide specimens of blood, saliva, or tissue  
34 shall be required to provide such samples prior to final

1 discharge, parole, or release at a collection site designated  
2 by the Illinois Department of State Police.

3 (c-5) Any person required by paragraph (a)(5) to provide  
4 specimens of blood, saliva, or tissue shall, where feasible,  
5 be required to provide the specimens before being accepted  
6 for conditioned residency in Illinois under the interstate  
7 compact or agreement, but no later than 45 days after arrival  
8 in this State.

9 (c-6) The Illinois Department of State Police may  
10 determine which type of specimen or specimens, blood, saliva,  
11 or tissue, is acceptable for submission to the Division of  
12 Forensic Services for analysis.

13 (d) The Illinois Department of State Police shall  
14 provide all equipment and instructions necessary for the  
15 collection of blood samples. The collection of samples shall  
16 be performed in a medically approved manner. Only a  
17 physician authorized to practice medicine, a registered nurse  
18 or other qualified person trained in venipuncture may  
19 withdraw blood for the purposes of this Act. The samples  
20 shall thereafter be forwarded to the Illinois Department of  
21 State Police, Division of Forensic Services, for analysis and  
22 categorizing into genetic marker groupings.

23 (d-1) The Illinois Department of State Police shall  
24 provide all equipment and instructions necessary for the  
25 collection of saliva samples. The collection of saliva  
26 samples shall be performed in a medically approved manner.  
27 Only a person trained in the instructions promulgated by the  
28 Illinois State Police on collecting saliva may collect saliva  
29 for the purposes of this Section. The samples shall  
30 thereafter be forwarded to the Illinois Department of State  
31 Police, Division of Forensic Services, for analysis and  
32 categorizing into genetic marker groupings.

33 (d-2) The Illinois Department of State Police shall  
34 provide all equipment and instructions necessary for the

1 collection of tissue samples. The collection of tissue  
2 samples shall be performed in a medically approved manner.  
3 Only a person trained in the instructions promulgated by the  
4 Illinois State Police on collecting tissue may collect tissue  
5 for the purposes of this Section. The samples shall  
6 thereafter be forwarded to the Illinois Department of State  
7 Police, Division of Forensic Services, for analysis and  
8 categorizing into genetic marker groupings.

9 (d-5) To the extent that funds are available, the  
10 Illinois Department of State Police shall contract with  
11 qualified personnel and certified laboratories for the  
12 collection, analysis, and categorization of known samples.

13 (d-6) Agencies designated by the Illinois Department of  
14 State Police and the Illinois Department of State Police may  
15 contract with third parties to provide for the collection or  
16 analysis of DNA, or both, of an offender's blood, saliva, and  
17 tissue samples.

18 (e) The genetic marker groupings shall be maintained by  
19 the Illinois Department of State Police, Division of Forensic  
20 Services.

21 (f) The genetic marker grouping analysis information  
22 obtained pursuant to this Act shall be confidential and shall  
23 be released only to peace officers of the United States, of  
24 other states or territories, of the insular possessions of  
25 the United States, of foreign countries duly authorized to  
26 receive the same, to all peace officers of the State of  
27 Illinois and to all prosecutorial agencies. The genetic  
28 marker grouping analysis information obtained pursuant to  
29 this Act shall be used only for (i) valid law enforcement  
30 identification purposes and as required by the Federal Bureau  
31 of Investigation for participation in the National DNA  
32 database, or (ii) technology validation purposes, (iii) a  
33 population statistics database, or (iv) quality assurance  
34 purposes if personally identifying information is removed.

1 Notwithstanding any other statutory provision to the  
2 contrary, all information obtained under this Section shall  
3 be maintained in a single State data base, which may be  
4 uploaded into a national database, and which information may  
5 be subject to expungement only as set forth in subsection  
6 (f-1).

7 (f-1) Upon receipt of notification of a reversal of a  
8 conviction based on actual innocence, or of the granting of a  
9 pardon pursuant to Section 12 of Article V of the Illinois  
10 Constitution, if that pardon document specifically states  
11 that the reason for the pardon is the actual innocence of an  
12 individual whose DNA record has been stored in the State or  
13 national DNA identification index in accordance with this  
14 Section by the Illinois Department of State Police, the DNA  
15 record shall be expunged from the DNA identification index,  
16 and the Department shall by rule prescribe procedures to  
17 ensure that the record and any samples, analyses, or other  
18 documents relating to such record, whether in the possession  
19 of the Department or any law enforcement or police agency, or  
20 any forensic DNA laboratory, including any duplicates or  
21 copies thereof, are destroyed and a letter is sent to the  
22 court verifying the expungement is completed.

23 (f-5) Any person who intentionally uses genetic marker  
24 grouping analysis information, or any other information  
25 derived from a DNA sample, beyond the authorized uses as  
26 provided under this Section, or any other Illinois law, is  
27 guilty of a Class 4 felony, and shall be subject to a fine of  
28 not less than \$5,000.

29 (f-6) The Illinois Department of State Police may  
30 contract with third parties for the purposes of implementing  
31 this amendatory Act of the 93rd General Assembly. Any other  
32 party contracting to carry out the functions of this Section  
33 shall be subject to the same restrictions and requirements of  
34 this Section insofar as applicable, as the Illinois

1 Department of State Police, and to any additional  
2 restrictions imposed by the Illinois Department of State  
3 Police.

4 (g) For the purposes of this Section, "qualifying  
5 offense" means any of the following:

6 (1) any violation or inchoate violation of Section  
7 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or 12-16 of the  
8 Criminal Code of 1961;~~i7-er~~

9 (1.1) any violation or inchoate violation of  
10 Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2,  
11 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961  
12 for which persons are convicted on or after July 1,  
13 2001;~~i7-er~~

14 (2) any former statute of this State which defined  
15 a felony sexual offense;~~i7-er~~

16 (3) (blank);~~i7-er~~

17 (4) any inchoate violation of Section 9-3.1,  
18 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961;~~i7~~  
19 or

20 (5) any violation or inchoate violation of Article  
21 29D of the Criminal Code of 1961.

22 (g-5) (Blank).

23 (h) The Illinois Department of State Police shall be the  
24 State central repository for all genetic marker grouping  
25 analysis information obtained pursuant to this Act. The  
26 Illinois Department of State Police may promulgate rules for  
27 the form and manner of the collection of blood, saliva, or  
28 tissue samples and other procedures for the operation of this  
29 Act. The provisions of the Administrative Review Law shall  
30 apply to all actions taken under the rules so promulgated.

31 (i)(1) A person required to provide a blood, saliva, or  
32 tissue specimen shall cooperate with the collection of the  
33 specimen and any deliberate act by that person intended to  
34 impede, delay or stop the collection of the blood, saliva, or

1 tissue specimen is a Class A misdemeanor.

2 (2) In the event that a person's DNA sample is not  
3 adequate for any reason, the person shall provide another DNA  
4 sample for analysis. Duly authorized law enforcement and  
5 corrections personnel may employ reasonable force in cases in  
6 which an individual refuses to provide a DNA sample required  
7 under this Act.

8 (j) Any person required by subsection (a) to submit  
9 specimens of blood, saliva, or tissue to the Illinois  
10 Department of State Police for analysis and categorization  
11 into genetic marker grouping, in addition to any other  
12 disposition, penalty, or fine imposed, shall pay an analysis  
13 fee of \$200. If the analysis fee is not paid at the time of  
14 sentencing, the court shall establish a fee schedule by which  
15 the entire amount of the analysis fee shall be paid in full,  
16 such schedule not to exceed 24 months from the time of  
17 conviction. The inability to pay this analysis fee shall not  
18 be the sole ground to incarcerate the person.

19 (k) All analysis and categorization fees provided for by  
20 subsection (j) shall be regulated as follows:

21 (1) The State Offender DNA Identification System  
22 Fund is hereby created as a special fund in the State  
23 Treasury.

24 (2) All fees shall be collected by the clerk of the  
25 court and forwarded to the State Offender DNA  
26 Identification System Fund for deposit. The clerk of the  
27 circuit court may retain the amount of \$10 from each  
28 collected analysis fee to offset administrative costs  
29 incurred in carrying out the clerk's responsibilities  
30 under this Section.

31 (3) Fees deposited into the State Offender DNA  
32 Identification System Fund shall be used by Illinois  
33 State Police crime laboratories as designated by the  
34 Director of State Police. These funds shall be in

1 addition to any allocations made pursuant to existing  
2 laws and shall be designated for the exclusive use of  
3 State crime laboratories. These uses may include, but  
4 are not limited to, the following:

5 (A) Costs incurred in providing analysis and  
6 genetic marker categorization as required by  
7 subsection (d).

8 (B) Costs incurred in maintaining genetic  
9 marker groupings as required by subsection (e).

10 (C) Costs incurred in the purchase and  
11 maintenance of equipment for use in performing  
12 analyses.

13 (D) Costs incurred in continuing research and  
14 development of new techniques for analysis and  
15 genetic marker categorization.

16 (E) Costs incurred in continuing education,  
17 training, and professional development of forensic  
18 scientists regularly employed by these laboratories.

19 (1) The failure of a person to provide a specimen, or of  
20 any person or agency to collect a specimen, within the 45 day  
21 period shall in no way alter the obligation of the person to  
22 submit such specimen, or the authority of the Illinois  
23 Department of State Police or persons designated by the  
24 Department to collect the specimen, or the authority of the  
25 Illinois Department of State Police to accept, analyze and  
26 maintain the specimen or to maintain or upload results of  
27 genetic marker grouping analysis information into a State or  
28 national database.

29 (m) If any provision of this amendatory Act of the 93rd  
30 General Assembly is held unconstitutional or otherwise  
31 invalid, the remainder of this amendatory Act of the 93rd  
32 General Assembly is not affected.

33 (Source: P.A. 91-528, eff. 1-1-00; 92-16, eff. 6-28-01;  
34 92-40, eff. 6-29-01; 92-571, eff. 6-26-02; 92-600, eff.

1 6-28-02; 92-829, eff. 8-22-02; 92-854, eff. 12-5-02; revised  
2 1-20-03.)".